



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR JULY 27, 2020

Present: Mayor Frank Bubenik, Council President Nancy Grimes, Councilor Bridget Brooks, Councilor Robert Kellogg, Councilor Paul Morrison, Councilor Maria Reyes, Councilor Valerie Pratt

Call to Order

Mayor Bubneik called the meeting to order at 7:01 p.m.

Public Comment

Anthony Stewart, Western Oregon Dispensary, followed up with the Council on addressing the concerns they have presented in the past regarding locations of marijuana dispensaries.

Consent Agenda

Motion to adopt the consent agenda made by Council President Grimes, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

1. Consideration of Approval of the City Council Regular Meeting Minutes of June 22, 2020 and Work Session and Regular Meeting Minutes of July 13, 2020
2. Consideration of Approval of a Change in Liquor License Application for P.F. Chang's China Bistro
3. Consideration of **Resolution No. 5512-20** a Resolution Amending Resolution No. 5505-20 to Amend Utility Fees for Hydrant and Bulk Water Usage Charges

Special Reports

1. Oregon Department of Transportation (ODOT) Presentation on I-5 and I-205 Tolling

ODOT Toll Program Director Lucinda Broussard and WSP Consultants Heather Wills and Matt Dolata presented an update on the I-205 Toll Project. Director Broussard stated they have started the National Environmental Policy Act (NEPA) process on the project. She stated there is an upcoming Equity and Mobility Advisory Committee to draft the charter and work plan, work on the toll projects equity framework, and receive an update on the I-205 and I-5 Tolling Projects. Director Broussard stated they hosted an I-205 Regional Modeling group that reviewed an early screening analysis of the five potential toll alternatives. She recapped what they have heard about tolls including implementing equitability, operational effectiveness of modern toll systems, lack of a robust transit service in Clackamas County, and how local trips will be treated. Director Broussard stated the 45 day comment period will start on August 3 to obtain feedback on the range of alternatives for environmental review, obtain feedback on the purpose and need statement, increase awareness of toll systems, and share information on the results of the

feasibility analysis. She stated engagement during the period will include an online open house and webinar, information sharing on the website and social media, committee meetings, stakeholder interviews, and community engagement liaisons.

Consultant Wills covered the purpose and need statements, goals, and objectives. She stated the project purpose is to manage congestion on I-205 between Stafford Road and OR 213 and raise revenue to fund congestion relief projects. Consultant Wills shared the projects goals and objectives including items such as equitable benefits for all users, limited additional traffic rerouting, supporting regional economic growth, and support of travel demand. She stated the next steps in the environmental review process include the 45 day comment period and preparation of the draft environmental assessment.

Consultant Dolata presented the screening alternatives analysis results. He presented the five alternatives: a toll on the Abernethy Bridge, toll on the Abernethy Bridge with tolling gantries off the bridge, individually tolling multiple bridges to be rebuilt, segment based tolls from Stafford Road to OR 213, and Single Zone Tolls from Stafford Road to OR 213. Consultant Dolata presented performance measures for screening alternatives and evaluation criteria. He spoke to the results noting the 2027 model results showed daily volume reduction along I-205 with diversion being at its worst during the off-peak hours. Consultant Dolata spoke to diversions off I-205 including rerouting to other roadways regionally and locally and the transportation demand management that happens from tolling. He spoke to the Transportation System Demand that showed reduced vehicle miles traveled, a reduction in vehicle hours traveled, and shifted demand from freeways to non-freeway routes. It was noted the model shows peak hours with the greatest potential vehicle hours savings overall, with potential decreases on non-freeways as well as freeways. Consultant Dolata shared locations that were assessed for rerouting noting that there were small shifts in the regional and local models and shared changes in the model based on the alternatives. He stated staff is progressing through the rerouting analysis by identifying potential impacted routes, identifying potential scale of impacts at key locations, and identifying impacts to study intersections during peak hours. Consultant Dolata shared the cost and revenue for each alternative. He presented future system considerations and expansions. Consultant Dolata presented a performance comparison summary for all the alternatives. He stated the initial recommendations for the NEPA analysis include advancing alternative 3 and 4 and to refine toll schedule assumptions to improve regional outcomes. Consultant Dolata covered the rationale behind the recommendations including alternative three being the most effective and alternative four having the greatest flexibility.

Councilor Pratt asked once the bridges are rebuilt if the tolling ends. Director Broussard stated tolls would pay for the construction of the bridges and then it would be decided if they would stay.

Councilor Pratt asked what percentage of the revenues is in administration for the tolls. Ms. Broussard stated 15%.

Councilor Pratt asked for clarification on the purpose being to reduce traffic on I-205 and not on the alternative routes. Consultant Dolata stated the primary objective is I-205 and then making sure the overall system is better.

Councilor Pratt asked if they are looking at the potential growth and housing for the region. Mr. Dolata stated they are currently looking out to 2027 and will eventually look out to 2040 when they are further along in the process.

Councilor Brooks asked for clarification in the numbers for the local re-routing near I-205. Consultant Dolata stated the reported numbers are the change in the number with tolling. Councilor Brooks asked about the significant increases to the area in alternatives three and four. Consultant Dolata stated the changes are for the peak hours. Councilor Brooks stated the numbers are alarming and is surprised that those alternatives are being suggested for this area. She expressed concerns with traffic and gridlock already in the area and the impacts tolling will have.

Councilor Morrison shared concerns with the modeling being based off a wish list and not off the reality on how the area works. He stated rerouting doesn't help or alleviate the traffic problem. Councilor Morrison asked about the tolling authority along the segments. Consultant Willis explained tolling authority and what tolling can pay for. Councilor Morrison stated the intent of the legislators was for the tolling to be temporary and asked about the change in tone regarding ongoing tolling for maintenance. Director Broussard stated the commission would make the decision on tolling after the project is complete and paid for.

Council President Grimes stated the alternatives are egregious. She stated the models don't include the local growth for the Stafford Triangle in the future and expressed concerns with alternative four and impacts due to re-routing. Consultant Dolata stated the goal with alternative four is to manage traffic better based on cost and implementation. Director Broussard stated when they start working on the NEPA they will be using the 2040 data which will include the Stafford area growth. She added one specific alternative has not been chosen and the comment period is when ODOT needs feedback on each alternative. Council President Grimes asked when they get to see equity applied to this project. Director Broussard stated the equity committee will be meeting to review the draft analysis.

Councilor Reyes stated equity is important to the Council because they want to consider the people who work in the area. She wants to make sure outreach is properly done with the right groups and not just directed to a website.

Councilor Pratt expressed concerns with the projects goals and objectives. Consultant Willis stated the goals and objectives have not been measured at the screening level. She noted the goals and objectives will be used as performance measures during the NEPA process and many haven't been touched at this point. Consultant Willis stated this is still high level at this point.

Councilor Kellogg asked about the diversion percentage for alternative three and four and the differences between the two. Mr. Dolata stated the numbers represents the change in volume over the course of the day. Councilor Kellogg asked about mitigations in the project and who will pay for those. Director Broussard stated the mitigation cost will be covered by the project.

Council President Grimes expressed concerns with the complications of mitigation for Borland Road.

Mayor Bubenik asked what it means to "manage traffic" in alternatives three and four. Mr. Dolata stated it is based on a variable tolling rate structure and shifting behaviors to help reduce congestion.

Public Hearings - Legislative or Other

1. Consideration of **Resolution No. 5508-20** Adopting Findings in Support of Special Procurement and Authorizing the City Manager to Enter Into a Direct Negotiation Contract with Wallis Engineering, PLLC for Construction Engineering and Inspection Services for the Garden Corner Curves Project

Transportation Engineer Mike McCarthy presented the special procurement. He stated Wallis Engineering, PLLC was selected for the Garden Corner Curves project in fall 2018 through a Request for Proposals (RFP) process to design the project. Engineer McCarthy stated the RFP process is a qualifications based competitive selection process that was open to all qualified firms. He stated authorizing this contracting exemption allows the City to continue with the best consultant based upon the skills and experience needed to complete this project efficiently and effectively. Engineer McCarthy stated this continuity will provide substantial cost savings and public benefits to the City by reducing schedule delays that would result from a new competitive process. He noted Wallis Engineering has already worked with the City on the Garden Corner Curves concept study, design of the project, and all the public involvement efforts as part of those processes. Engineer McCarthy stated a new RFP process would take approximately two months, which would result in delays to construction of the project. He stated granting the special procurement process will be unlikely to encourage favoritism because this is a single special procurement that already went through a qualifications based selection process.

PUBLIC COMMENT

None.

COUNCIL DISCUSSION

Councilor Kellogg thanked staff for doing a thorough job going through the special procurement process.

Motion to adopt Resolution No. 5508-20 adopting findings in support of special procurement and authorizing the City Manager to enter into a direct negotiation contract with Wallis Engineering, PLLC for construction engineering and inspection services for the Garden Corner Curves Project made by Councilor Kellogg, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

General Business

1. Consideration of **Resolution No. 5515-20** of the City Council of the City of Tualatin Authorizing the City Manager to Execute an Intergovernmental Agreement (IGA) with Washington County for Small Business Emergency Assistance Grants Funds

Economic Development Manager Jonathan Taylor presented an IGA with Washington County for Small Business Emergency Assistance Grants Funds. He stated the resolution tonight is to receive \$680,000 in CARES Small Business Assistance. Manager Taylor presented requested council actions including approval of motion of contract modifications with Business Oregon for an additional \$243,000 to the approved \$35,000 existing contract for Emergency Business Assistance and direction for funding plan development based on Council priorities for economic impact. He recapped the Tualatin recovery plan mission to manage and implement an effective,

efficient, and nimble local economic recovery effort in collaboration with vital business partners. Manager Taylor stated the City is in the stabilization phase with efforts focused on the Business Recovery Centers. He stated potential areas of impacts include business assistance, rent assistance, childcare assistance, and potential future planning.

Councilor Morrison stated he wants these funds distributed quickly to help businesses now. He asked how child care fits into helping businesses. Manager Taylor stated you can help the facilities and/or the workers.

Councilor Brooks asked if childcare facilities would receive funding at the local level or just at the county level. Manager Taylor stated Council can broaden the economic vitality of this service and noted the County has a fund for childcare as well. Councilor Brooks would like to be able to help small childcare groups.

Councilor Reyes would like to explore providing childcare grants to centers to help families. She would like to see grants available to both families and providers.

Councilor Pratt asked what the Washington County childcare program will look like. Manager Taylor stated the details on that program are not available yet. Councilor Pratt wants to make sure there are local dollars for childcare.

Councilor Pratt expressed concern with the increase of homelessness and would like to see the city address that.

Councilor Kellogg asked if there is tax liability associated for the recipients of the funds. Manager Taylor stated there is a tax liability. He spoke in favor of the Economic Stabilization Fund 2.0. He would like to see more information on the rent assistance category and what is already available out there. Councilor Kellogg would like to see scholarships provided to childcare facilities to help assist families and the centers. He stated he would like to see a portion of the funds set aside for potential future grants.

Councilor Brooks asked for clarification if rental assistance if for homes or businesses. She would like to see a localized effort to prevent evictions.

Mayor Bubenik stated he wants to broaden rent assistance to mortgage assistance as well. He would also like to see homeless services expanded and a gift card program put in place to help local businesses and provide assistance to families.

Councilor Brooks expressed concerns with limitations in spending with gift card programs. She would like to see some cash flexibility available in a program like that as well.

Mayor Bubenik stated the city could set aside money for utility assistance and offsets. Director Hudson stated Washington County has set aside approximately \$3 million for utility assistance. He noted program details are still being finalized.

Councilor Brooks expressed concerns with capacity at Community Action so she wants to make sure those utility dollars come locally to Tualatin citizens.

Council consensus was reached to set money aside for business assistance, rental and mortgage assistance, childcare assistance, a reserve fund, and homeless services.

Motion to modify contract with Business Oregon for an additional \$243,000 to the approved \$35,000 existing contract for Emergency Business Assistance made by Councilor Brooks, Seconded by Councilor Pratt.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

Motion to approve Resolution No. 5515-20 authorizing the City Manager to execute an Intergovernmental Agreement with Washington County for Small Business Emergency Assistance Grants Funds made by Council President Grimes, Seconded by Councilor Pratt.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

Council Communications

Councilor Morrison thanked citizens for feedback on the In-N-Out proposal.

Councilor Kellogg stated it is time to make Western Oregon's Dispensary concerns a priority for the city. Council consensus was reached to conduct community outreach on potential ordinance changes.

Councilor Pratt thanked the local Corvette Club for their donation to the Tualatin Police Foundation.

Adjournment

Mayor Bubenik adjourned the meeting at 9:36 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor